

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

WEINER INVESTMENTS, L.P., *et al.*

Defendants.

Adv. Pro. No. 10-05374 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard

L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Weiner Investments, L.P., Weiner Properties, LLC, in its capacity as a general partner of Weiner Investments, L.P., Bruce B. Weiner, in his capacity as a general partner of Weiner Investments, L.P., Susan S. Weiner, in her capacity as a limited partner of Weiner Investments, L.P. and as Trustee of the Bruce and Susan Weiner Dynasty Trust, Bruce and Susan Weiner Dynasty Trust, in its capacity as a limited partner of Weiner Investments, L.P., Joshua S. Weiner Irrevocable Trust Number Two for S Corporation Stock, in its capacity as a limited partner of Weiner Investments, L.P., James H. Weiner Irrevocable Trust Number Two for S Corporation Stock, in its capacity as a limited partner of Weiner Investments, L.P., Jay Weiner Revocable Trust, in its capacity as a limited partner of Weiner Investments, L.P., Weiner Family Trust U/D/T 10/14/98, in its capacity as a limited partner of Weiner Investments, L.P., Jay Weiner, in his capacity as Trustee of the Joshua S. Weiner Irrevocable Trust Number Two for S Corporation Stock, the James H. Weiner Irrevocable Trust Number Two for S Corporation Stock, and the Jay Weiner Revocable Trust, Rosalyne Weiner Revocable Trust, in its capacity as a limited partner of Weiner Investments, L.P., Rosalyne Weiner, in her capacity as Trustee of the Rosalyne Weiner Revocable Trust, Samuel DiBiase, Kathy DiBiase, and Gerald Weiner, in his capacity as Trustee of the Weiner Family Trust U/D/T 10/14/98, (together, the “Defendants”), by and through their counsel (collectively, the “Parties”), hereby stipulate and agree to the following:

1. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary

proceeding and dismissing the adversary proceeding.

2. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

3. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 2, 2015

BAKER & HOSTETLER LLP

/s/ Marc Hirschfield
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Marc Hirschfield
Email: mhirschfield@bakerlaw.com
Tatiana Markel
Email: tmarkel@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*

BUCHANAN INGERSOLL & ROONEY PC

/s/ James R. Walker
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15219
Telephone: (412) 562-8499
Facsimile: (412) 562-1041
James R. Walker
Email: james.walker@bipc.com

Attorneys for Defendants

SO ORDERED:

Dated: July 2nd, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE